

Hon. P. Kevin Castel, U.S.D.J.
United States District Court
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Charles J. McCarthy v One Up Games LLC, et al.
Docket No. 1:17-cv-03924-PKC

Response Letter

Dear Judge Castel:

This letter is on behalf of the individual named defendants in the above referenced case. We are currently unrepresented by an attorney in this matter due to lack of funds to obtain one.

This issue has risen out of our employer, One Up Games LLC. This company has become non-operational as of April 2017 and all the defendants have lost considerable sums of money and we are all dealing with the fall out as employees as well. The Plaintiff's attorney, Mr. Meisner, has used knowledge of this situation to wrongfully bully only the individual named defendants into this settlement by naming them personally in this case. Moreover, two of the named defendants, Mr. Rizvi and Mrs. Willacy, are and were never appointed directors or officers of the company. They shouldn't even be named personally at all and this is a clear error by the plaintiff and their attorney.

We feel the scare tactics imposed by Mr. Meisner with EIRSA claims and multijurisdictional filings had us personally agreeing to a settlement only out of fear of what could happen, rather than facilitating a productive settlement process based in facts.

In light of that, we are asking the court to not impose judgement of settlement on the individually named defendants. The Plaintiff is free to seek judgement on the company and attempt to collect through that method. One Up Games LLC will come back to the table to negotiate a revised settlement term that is achievable and realistic for the company and its directors.

We hope the court will agree to remove the individually named defendants on this matter and allow us to work together to revise the settlement with the company without wasting any of the courts time.

Sincerely,



Daren Trousdell

Omar Rizvi

cc: Matthew A. Stoffer (via email at matt.jmslawyers.com)
Jardin, Meisner, & Susser, P.C.

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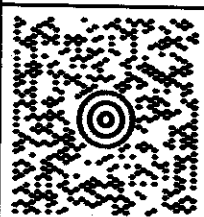
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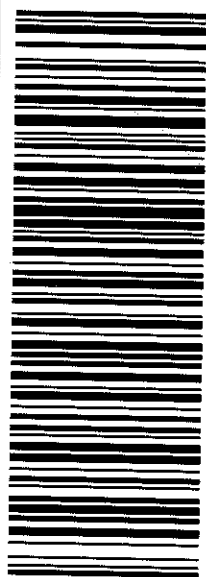
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